


AN ORDINANCE

BY MICHAEL BOND,



C. T. M. Martin

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH CITYNET TELECOMMUNICATIONS, INC., FOR THE PROVISION OF TELECOMMUNICATIONS INFRASTRUCTURE USING PUBLIC SEWERS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta recently revised Sec. 138-1, et seq. of the City of Atlanta Code of Ordinance (the "Right-of-Way Ordinance") to, among other things, create additional regulation for telecommunications companies that excavate in the public right-of-way for the purpose of installing fiber-optic cable and whose excavations have often times led to ruptured gas lines, sliced telephone cables and damaged water mains; and

WHEREAS, CityNet Telecommunications, Inc. ("CityNet") is a telecommunications broadband infrastructure company which builds wholesale, next-generation, all optical, high-speed fiber networks that reach directly into a local area's buildings within metropolitan areas;

WHEREAS, CityNet proposes to install, maintain and operate an underground telecommunications infrastructure using existing public sewers and, in turn, avoid the need for repeated construction in the public right-of-way for this purpose; and

WHEREAS, CityNet will ensure that the proposed telecommunications infrastructure will provide an added benefit to the City through its agreement to repair and repeatedly jetwash the portion of the sewer where its infrastructure is installed and provide critical sewer mapping data it develops to the City of Atlanta; and

WHEREAS, CityNet has proposed to enter into a license agreement with the City of Atlanta to provide access to the public sewer system in certain parts of the City of Atlanta for the purpose of installing, maintaining and operating CityNet's telecommunications infrastructure in a manner which preserves the rights of the City of Atlanta; and

WHEREAS, the City Council of the City of Atlanta deems it to be in the best interest of the City of Atlanta to enter into such a license agreements.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

Section 1: That the Mayor be and is hereby authorized to negotiate and execute a license agreement with CityNet Telecommunications, Inc. for use of the public sewer system for the purpose of installing, maintaining and operating telecommunications infrastructure.

Section 2: That said license agreement shall include, among other things, an application, review and permit process for the installation, maintenance and operation of telecommunications infrastructure which is developed by the Commissioner of the Department of Public Works in conjunction with the City Attorney and is designed to protect the general welfare of the citizens of the City of Atlanta.

Section 3: That CityNet Telecommunications, Inc. shall pay a license fee of 3%, represented by 2.5% of all revenues generated by the telecommunications infrastructure, with .5% to be provided in in-kind services.

Section 4: That the City Attorney shall prepare a license agreement document, which shall be approved by the City Attorney as to form.

Section 5: That said license agreement shall not be binding on the City of Atlanta until approved by the Mayor and delivered to CityNet Telecommunications, Inc.

Section 6: That all ordinances or parts of ordinances in conflict herewith are hereby waived.

01-0-1298

(Do Not Write Above This Line)

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COUNCILMEMBER MICHAEL BOND, *Chair*
Member
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- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER
- Date Referred 8/6/01
- Referred To: City Utilities
- Date Referred _____
- Referred To: _____
- Date Referred _____
- Referred To: _____

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION